

REMARKS

Claims 2, 4, 8, 10-15, 18, 22, 27, 30, 34 and 36 are pending in this application.

ELECTION/RESTRICTIONS

In the Office Action, the Examiner has required a species election to one of the four ErbB receptors, *i.e.*, ErbB-1, ErbB-2, ErbB-3, and ErbB-4 (the "first election"). The Examiner also has required a species election to one of the three ErbB receptor probes, *i.e.*, a nucleic acid, a protein, and a small molecule (the "second election").

In response to the first election requirement, Applicant hereby provisionally elects with traverse the species ErbB-2. In response to the second election requirement, Applicant hereby provisionally elects with traverse the species protein. Currently pending claims 2, 4, 8, 10-15, 18, 22, 27, 30, 34 and 36 are readable on these elected species.

Upon the allowance of a generic claim, claims drawn to unelected species which depend from or otherwise require all the limitations of the generic claim are also allowable as provided under 37 C.F.R. § 1.141. *See also* MPEP § 806.04(d).

Applicant fully reserves the right to prosecute the subject matter of the non-elected inventions in one or more related applications. Applicant also reserves the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicant respectfully requests that the above remarks be entered and made of record in the file history of the instant application. No additional fee is believed to be due in connection with this submission. In the event that the United States Patent and Trademark Office determines that a fee is required, please charge the required fee to Jones Day Deposit Account No. 50-3013

Respectfully submitted,

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